

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

No. 4:12-CR-00017-F-1

No. 4:16-CV-00191-F

EMMANUEL WALLACE, III,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

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ORDER

The motion Petitioner filed to vacate, set aside, or correct the sentence pursuant to 28 U.S.C. § 2255, received on July 5, 2016, does not substantially follow the form appended to the Rules Governing Section 2255 Proceedings and is therefore not in compliance with Rule 2(c) of the Rules Governing Section 2255 Proceedings and Local Civil Rule 81.2 of this court. The Clerk is DIRECTED to send a copy of the appropriate form to petitioner. Petitioner must complete the form in its entirety, sign it under penalty of perjury (or a person authorized by Petitioner, such as an attorney, may sign it) and file the original with the Clerk of this court.

Petitioner is DIRECTED to return the form, in accordance with these instructions, within fourteen (14) days from the filing of this order. Failure to do so may result in the dismissal of this action or the striking of the motion.

Send the original of the corrected § 2255 form to¹:

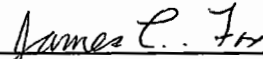
Clerk of Court
United States District Court, E.D.N.C.
ATTN: Prisoner Litigation Division
P.O. Box 25670
Raleigh, NC 27611

¹ A copy of the completed § 2255 motion will be forwarded to the United States Attorney.

Petitioner asserts challenges based on *Johnson v. United States*, 135 S. Ct. 2551 (2015), but he does not qualify for appointed counsel pursuant to Standing Order No. 15-SO-2 (E.D.N.C. Oct. 16, 2015) because he had retained counsel when he was previously before this court.

SO ORDERED.

This 16th day of July, 2016.



JAMES C. FOX
SENIOR UNITED STATES DISTRICT JUDGE